STATE OF MAINE

PROBATE COURT
County: _____
Docket No. _____

DISTRICT COURT
Location: _____
Docket No. _____

IN RE: _____
(Minor Child)

PETITION FOR: (Check one)
☐ **MODIFICATION OF GUARDIANSHIP**
☐ **CHILD SUPPORT ONLY**
☐ **TERMINATION OF GUARDIANSHIP**
☐ **REMOVAL OF GUARDIAN**
☐ **RESIGNATION OF GUARDIAN OF A MINOR**
18-C M.R.S. § 5-210

1. Petitioner Information:

Name: _____
First *Middle* *Last*
Mailing Address: _____
Street *City/Town* *Zip*
Physical Address: _____
Street *City/Town* *Zip*
Date of Birth: _____
Telephone: _____

2. Petitioner is:
☐ Guardian of the minor;
☐ Parent of the minor;
☐ A person interested in the welfare of the minor, specifically: _____;
☐ The minor.

3. Minor Information:

Name: _____
First *Middle* *Last*
Mailing Address: _____
Street *City/Town* *Zip*
Physical Address: _____
Street *City/Town* *Zip*
Date of Birth: _____
Telephone: _____

4. Notice of Proceeding

Names, addresses, and telephone numbers of all persons who must be notified of this proceeding and relationship of each such person to the minor. The following must be notified by the petitioner:

a. The minor, if 14 years of age or older, and if not the petitioner;
b. Any person alleging to have primary care and custody of the minor during the 60 days before the filing of the petition;
c. Each living parent of the minor or, if none exists, the adult nearest in kinship who can be found;
d. Any person nominated as a guardian by the minor, if the minor is 14 years of age or older;
e. Any parent's appointee whose appointment has not been prevented or terminated;
f. Any guardian or conservator currently acting for the minor in this state or elsewhere; and
g. Any person or tribe required to be notified under the Indian Child Welfare Act if the petitioner knows, or has reason to know, that this case involves and Indian child as defined by 25 U.S.C. § 1903(4) and 22 M.R.S. § 3943(8).

NAME	ADDRESS	RELATIONSHIP

5. Petitioner believes: (check where applicable)

a. ☐ **The guardianship should be modified.** *Unless you are seeking to modify only child support, you must attach an affidavit describing the substantial change in circumstances that have occurred since the appointment of the guardian of minor.*

Please select in what way the Order Appointing Guardian of Minor should be modified:

☐ **Child Support.** A child support order may be modified if it has been at least three years since it was issued or, if it has been less than three years, if the parents' income has changed at least 15% since the child support order was issued.

☐ **Other.** Please describe below:

_____
_____
_____
_____
_____
_____

(please attach an additional sheet if necessary)

b. ☐ **The guardianship should be terminated**. *You must attach an affidavit describing why the guardianship should be terminated.*

c. ☐ **The guardian should be removed**. *You must attach an affidavit describing why the guardian should be removed.*

d. ☐ **The resignation of the guardian should be accepted**. *You must attach an affidavit describing why the guardian's resignation should be accepted.*

6. The Court may appoint an additional guardian at any time, to serve immediately or upon a designated event. Is the appointment of an additional guardian necessary? ☐ Yes ☐ No

If yes, please provide information about the proposed additional guardian below, and why appointment of an additional guardian is necessary:

_____
_____
_____
_____
_____
_____
_____
_____
_____

(please attach an additional sheet if necessary)

7. **The Court may appoint a successor guardian in the event of a vacancy of a guardian. Is the appointment of a successor guardian necessary?** ☐ Yes ☐ No
If yes, please explain what you are proposing and what steps you have taken to accomplish this. Please note that if a successor guardian is required, a new petition for appointment of that successor guardian must accompany this petition.

_____
_____
_____
_____
_____
_____
_____
_____

(please attach an additional sheet if necessary)

8. **At the time of the guardian's appointment, was an attorney or a guardian ad litem appointed for the minor?**
☐ Yes ☐ No. If yes, please identify the attorney or guardian ad litem below:
Name: _____
Mailing Address: _____
Telephone: _____

9. **Will the minor attend the hearing?** ☐ Yes ☐ No. If no, state the reason why not:

_____
_____
_____
_____
_____

10. **Indian Child Welfare Act.** (S*elect one of the following*)

☐ **a.** The petitioner knows that the minor child is **not** (1) a member of an Indian tribe, or (2) eligible for membership in an Indian tribe and is not the biological child of a member of an Indian tribe;

☐ **b.** The petitioner knows, or has reason to believe, that the minor child (1) is a member of an Indian tribe, or (2) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe:
Name of tribe:_____

PLEASE NOTE: The petitioner(s) **must** provide notice of this petition to the minor child's parent(s) or Indian custodian and the tribe named above and file a copy of that notice with the court. Such notice must comply with 25 C.F.R. § 23.111 and must be sent by certified mail, return receipt requested and via email, to the address and email address on file with the United States Department of the Interior, Bureau of Indian Affairs; **OR**

☐ **c.** The petitioner(s), at the time of this petition do(es) not yet know if there is reason to believe the minor child is an Indian child. The petitioner(s) will conduct any remaining inquiry required to determine Indian child status as required by 25 U.S.C. §§ 1901-1963 and 22 M.R.S. §§ 3941-3955.

11. REQUESTS FOR ORDER(S). Petitioner requests the following:

☐ A judicial finding and order that this guardianship be modified;
☐ A judicial finding and order that this guardianship be terminated;
☐ A judicial finding and order that the current guardian be removed;
☐ A judicial finding and order that the current guardian's resignation be accepted;
☐ That the Court appoint an additional guardian; and/or
☐ That the Court appoint a successor guardian.

For District Court filings only:

☐ I swear under penalty of perjury that the above statements are true and correct. I understand that these statements are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in prison and a fine of up to $5,000 if I give false information to the court.

_____
Signature of Petitioner
Date: _____
Name: _____
Address: _____
_____
Phone Number: _____
Email: _____

Attorney for Petitioner, if any:

_____
Signature of Attorney and Maine Bar Registration Number
Date: _____
Name:_____
Address:_____
_____
Phone Number: _____
Email: _____

STATE OF MAINE

_____ COUNTY

Personally appeared the above named, _____, and made oath that the foregoing statements are true under penalty of perjury.

Before me,

Date:_____ _____
Attorney at Law / Notary Public / Register / Clerk